

REMARKS

Upon entry of this amendment, claims 1-31, 33, 35, 37-40 and 43 are pending. By the present amendment claims 1, 13, 20, 23, 31, 33, 35, 37-39 and 43 are amended, and claims 32, 34, 36, 41 and 42 are canceled without prejudice or disclaimer as to the subject matter contained therein. Favorable reconsideration of the application is respectfully requested.

The objection to claim 38 is respectfully traversed. Without acquiescing in the objection, claim 38 has been amended. Therefore, the objection is overcome, and reconsideration and withdrawal thereof are respectfully requested.

The objection to claims 32, 34, 36 and 39-43 under 37 C.F.R. §1.75 is respectfully traversed. Without acquiescing in the objection, claims 32, 34, 36, 41 and 42 have been canceled without prejudice or disclaimer as to the subject matter contained therein. With respect to 39 and 40, it is noted that these claims specifically recite a method executed by a computer. On the other hand, no such limitation appears in claims 24 and 25. As such, it is respectfully submitted that claims 39 and 40 are not substantial duplicates of claims 24 and 25. With respect to claims 1 and 43, it is noted that claim 1 specifically recites “an article suitable for maintenance of the user device,” whereas claim 43 recites “an article suitable for the user device.” While claim 43 may be broader in scope than claim 1, it is not a substantial duplicate of claim 1 for at least this reason. In view of the foregoing, it is respectfully submitted that the objections under 37 C.F.R. §1.75

are either moot or overcome. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

The rejection of claims 1, 4-10, 12 and 37 under 35 U.S.C. §102(e) over Spear et al. (U.S. Patent No. 6,486,439, hereinafter "Spear") is respectfully traversed. Without acquiescing in the rejection, it is noted that claims 1 and 37 have been amended. Accordingly, the rejection will be discussed with respect to the claims, as amended.

Spear is directed to a system and method for providing automated information, e.g., with respect to a welding system, and the generation of exchange and replacement part orders. In this connection, it is noted that Spear requires an operator to initiate retrieval of information, including determination of replacement components. Spear teaches a system wherein exhaustive searches for replacement part information or manual replacement and component replacement purchases and acquisitions, is not required, and that the operator may retrieve and utilize the information via a network interface to operate and maintain the welding system. This information may be associated with troubleshooting, servicing, maintaining and generally operating the welding system. However, Spear makes clear that the operator must himself determine which components are defective and/or need replacement (see, e.g., Col. 3, lines 6-22). Moreover, the operator must initiate purchase of the part if the operator determines that a part requires replacement (see, e.g., Col. 3, lines 57-61). Even the order generation process

according to Spear requires the operator to initiate replacement component and/or welder program/procedure purchases (see, e.g., Col. 3, lines 19-21). None of these processes is automated as specifically recited in the claims.

In complete contrast, according to the claimed invention, the user device provides automatic information generation *wherein, selection of the article to be purchased, generation of purchase information, and transmission of purchase information are automatically performed without instruction by the user.* This is entirely inapposite to the system disclosed by Spear, wherein parts may be searched automatically, and their replacement may be indicated to an operator automatically, but nevertheless, operator intervention is required in order to actually select an article, generate a purchase order and transmit and receive purchase information.

It is axiomatic that in order for a reference to anticipate a claim, the reference must disclose, teach or suggest each and every feature of the claim. As set forth above, Spear fails to disclose, teach or suggest each and every feature of the claims. For example, there is no teaching or suggestion in Spear of the claimed automated selection of the article, generation of purchase information or transmission of purchase information as set forth in the claims. Accordingly, Spear fails to anticipate the claims. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

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Appl. No. 10/035,159
Amendment dated April 17, 2007
Response to Office Action dated December 27, 2006

The rejection of claims 2, 3, 11, 13-36 and 38-43 under 35 U.S.C. §103(a) over Spear in view of Heimermann et al. (U.S. Patent No. 7,110,976, hereinafter "Heimermann") is respectfully traversed. Without acquiescing in the rejection, it is noted that claims 13, 20, 23, 31, 33, 35, 38, 39 and 43 have been amended, and claims 32, 34, 36, 41 and 42 have been canceled without prejudice or disclaimer as to the subject matter contained therein. As such, the rejection will be discussed with respect to the pending claims as amended.

It is respectfully submitted that Heimermann fails to overcome the fundamental deficiencies noted above with respect to Spear. There is no teaching or suggestion in Heimermann of the claimed automated selection of an article, generation of purchase information or transmission of purchase information. Therefore, even if, *arguendo*, the combination of Heimermann and Spear were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.


In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

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Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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